

**REASONS** *Humbly offered by the Six-Clerks of the Court of Chancery, to Repeal or Explain the Latter Part of a Clause, in an Act of the last Sessions of Parliament, made for the Amendment of the Law, and the better Advancement of Justice.*

*The Former Part of the Clause is this ;*

“ **T** H A T no Copy, Abstract, or Tenor of any Bill in Equity, do go  
 “ with the Dedimus or Commission for taking the Defendant’s  
 “ Answer.

*The Latter Part is this ;*

“ But in Lieu and Recompence thereof, the Sworn-Clerks of the *Court of Chan-*  
 “ *cery*, shall take to their own Use, in all Causes, the whole Termly Fee of 3 s. 4 d.  
 “ and also the whole Fee or Fees of all small Writs, made by the Sworn-Clerks.

The Fee for the Tenor of the Bill, did belong to the Six-Clerks, as appeared by Presentment 40 *Eliz.* which, *Anno 1635*, among other Increase of Allowance, they gave to their Under-Clerks, *in Consideration of their Faithful Dealing with the Suitors, and the Records of the Court.* But the Under-Clerks instead of their Fair Dealing with the Suitors, have by grossly abusing That which was of Admirable Use in its first Institution, *most deservedly lost the Advantage of that Fee.* And therefore, no Reason they should have a Recompence.

But suppose, (what cannot be Proved) that it is Reasonable, That the Under-Clerks should have a Recompence, *why should the Equivalent be taken out of the Six-Clerks Pocket ?*

1. *The Six-Clerks never did Insure the Tenor to the Under-Clerks :*
2. *Nor did they ever Insure against the Under-Clerks Forfeiture, or Abuse of it :*
3. *Neither have they contributed any thing to the taking of it away :*
4. *The Six-Clerks have an undoubted Right, and Freehold in their Offices and Fees belonging to it for their Lives :*
5. *The Under-Clerks might as justly have pitch’d upon the Office, Possession or Property of any other Subject, to have made up their Recompence as the Six-Clerks.*

The Six-Clerks most Humbly Represent, That they are ready to make Oath, that none of them since their Admission into their Offices, have made 700 *l. per Annum* one Year with another. And that their Expences in executing their Offices, is near 200 *l. per Annum* each.

The Under-Clerks have made it out more fully than any Thing they attempted, That the Latter Part of the Recompencing Clause, takes from each Six-Clerk 400 *l. per Annum* ; so that the Six-Clerks are stript of their Livelyhood, without any Fault assigned against them.

The Six-Clerks further Humbly insist, That from the Time of their Admission into their Offices, they are Intituled to all Fees, Perquisites, Profits, and other legal Rights their Predecessors formerly enjoyed, (and that under a far stronger Title, than their Under-Clerks can pretend to have by the Ordinance of 1668) which they have no ways Forfeited.

Their Application to the Business and Duty of their Places, have intirely diverted their Intentions from any other Means of Livelyhood, They have most of them Families, who Depend upon them as their only Support. Marriages have been Encourag’d upon the visible Credit and Income of these Places ; and it is very Evident, if this Clause stands, That the Six Clerks and their Families, without the Aid and Assistance of this *Honourable House*, must unavoidably Suffer, and be reduced to Poverty.



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*Therefore it is most Humbly Submitted,*

Whether the Clause is not fit to be Repealed or Explain'd ? Or whether the Six-Clerks shall not be repair'd some other Way ?

*The*



*The Six-Clerks beg Leave to show to this Honourable House, what will be an exact Recompence for the Under-Clerks Loss of the Tenor of the Bill, if they are to have a Recompence.*

Mr. Nichols surrendered his Seat in the Six-Clerks-Office to be an Evidence for the Under-Clerks, the very Morning of that Day the Committee sat last.

*The Under-Clerks prov'd by Mr. Nichols,*

**T**HAT the Under-Clerks Loss in *Dedimus* Causes, amounts to 20 s. computing Bills in *Chancery*, one with another, at 40 Sheets

*Note*, The Under-Clerk was at the Charge of ingrossing the *Dedimus-Bill*, for which he paid 1 d. per Sheet, which for 40 Sheets was 3 s. 4 d. besides the Parchment, which at the least came to 8 d. which added to the 3 s. 4 d. makes the Charge to the Under-Clerk in each *Dedimus* Cause.

Deduct the 4 s. out of the 20 s. there remains a clear Loss to the Under-Clerk of

*The Exact Recompence for the Under-Clerks Loss arises thus ;*

*Dedimus* Causes (i. e. Country-Causes) one with another, are not ended under less than Six Terms ; and, if so, then the Six-Clerks Fee for Six Terms amounts to in each Cause

The Six-Clerks Fee for the *Dedimus* in each Cause was

Which makes up an *Exact Recompence*, being

So that the Advantage arising by the Clause doth infinitely exceed the Loss, since thereby the Plaintiffs Under-Clerk in *Dedimus* Causes ; And the Plaintiffs and Defendants Under-Clerks in all other Causes (wherein they receive no Loss) are intituled to the whole Termly-Fee, and also the Fees of all small Writs.

THE  
Six-Clerks  
REASONS.